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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SHOKOFEH TABARAIE,

9 Plaintiff,

10 v.

11 ASPEN AMERICAN INSURANCE
12 COMPANY,

13 Defendant.

NO. C20-1035RSL

ORDER

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15 This matter comes before the Court on “Defendant’s Motion for Protective Order Staying
16 Discovery.” Dkt. # 15. Defendant filed a motion to dismiss on August 31, 2020, and now seeks a
17 stay of discovery until that motion is resolved.

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19 The Federal Rules of Civil Procedure impose clear duties to disclose and identify
20 triggering events for both initial disclosures and broader discovery. *See* Fed. R. Civ. P. 26(a)(1)
21 and 26(d)(1). Although they easily could have, the rules do not provide an automatic stay of
22 discovery if a motion to dismiss is filed: such motions are often unsuccessful and a stay could
23 cause unnecessary and significant delays at the outset of the litigation. Thus, in order to obtain a
24 stay of discovery, defendant must show that it is entitled to a protective order under Rule 26(c)
25 “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or
26 expense”
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28 ORDER - 1

1 Defendant essentially argues that it would be more efficient to delay discovery under the
2 federal rules until after the viability of plaintiff's claims is decided. This argument could be
3 made whenever a dispositive motion is filed, however, and yet the federal rules do not provide
4 for an automatic stay simply because defendants hope to resolve the litigation through motion
5 practice. No special or exceptional circumstances exist that would justify an indefinite stay of the
6 liberal rules of discovery in this case. Defendant has not alleged, much less shown, any undue
7 burden or oppression if discovery proceeds. The Court is not prepared to analyze potential
8 factual issues regarding (a) the intent of the contracting parties and (b) the information available
9 to the insurer when it denied coverage in order to determine whether the motion to dismiss is
10 meritorious. Those issues will be determined once plaintiff has a chance to respond to the
11 pending motion. The mere filing of a dispositive motion does not derail discovery or otherwise
12 delay plaintiff's efforts to pursue her claims.
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16 For all of the foregoing reasons, the Court finds that defendant has not shown good cause
17 for a protective order. The motion for a protective order (Dkt. # 15) is therefore DENIED.
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19 Dated this 15th day of September, 2020.

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21 Robert S. Lasnik
22 United States District Judge
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